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March 13, 2009

Honorable Sandra J. Feuerstein
United States District Court
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, New York 11722

Re: Mary Jane Glowczenski, et al v. TASER International, Inc., *et al*
CV-04-4052(SJF)(WDW)
Our File No.: 25-0001

Dear Honorable Feuerstein:

TASER International, Inc., requests a promotion conference for permission to make a motion for Summary Judgment on behalf of defendant, TASER International, Inc.

It is understood after discovery that the facts of this incident are as follows:

On Wednesday, February 4, 2004 thirty-five year old David Glowczenski (Mr. Glowczenski) appeared distracted, unaware of his surroundings, and non-verbal. His mother, Mary Ann Glowczenski (Mrs. Glowczenski), called the Southampton Police at approximately 9:09 a.m. to report that Mr. Glowczenski had not been taking his medication, had left her home, and requested that he be placed in protective custody if they found him. By the time the Southampton police arrived at the Glowczenski home, Mr. Glowczenski had already returned. They were told that they would take him to the hospital. The police then left. At approximately 10:31 a.m., Mrs. Glowczenski made a second call to the Southampton police and reported that Mr. Glowczenski had again left the home. Mr. Glowczenski's two brothers went by car to try to find him. The police encountered Mr. Glowczenski at approximately 10:35 a.m. walking on North Main Street in front of Our Lady of the Hamptons School near Railroad Plaza in Southampton Village. Mr. Glowczenski appeared crazed, with his hair disheveled, his gait unbalanced as if he was intoxicated, and speaking gibberish. During the encounter, Mr. Glowczenski became violent, agitated and attempted to get away from the officers. The officers' attempt to stop Mr. Glowczenski resulted in a physical struggle. Two of the four officers fell to the ground with Mr. Glowczenski during the struggle and had difficulty handcuffing him. One officer applied the ADVANCED TASER[®] M26 electronic control

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device (ECD) in drive stun mode against Mr. Glowczenski, with no effect. Another officer pepper sprayed him in the face, with no effect. Mr. Glowczenski continued to struggle with the officers who finally handcuffed him using two sets of handcuffs. A third set of handcuffs was used to secure the handcuffs on Mr. Glowczenski to his belt. Mr. Glowczenski was moved onto the grass and continued kicking and screaming. Two other police officers arrived. A plastic zip cuff was used to tie Mr. Glowczenski's feet. Mr. Glowczenski then became quiet. Southampton Village Volunteer Ambulance Chief and First Responder, Melissa Croke, arrived at 10:44 hours. Mr. Glowczenski was in the process of being turned over and found to be unresponsive. C.P.R. was initiated and defibrillation attempted. The Southampton Village Volunteer Ambulance unit arrived at 10:47 hours. There was no respiration, no pulse, no blood pressure. Mr. Glowczenski was transported to the hospital. He was examined and found to be in the early stages of rigor mortis. He was pronounced dead at 11:19 a.m.

The autopsy was performed and the cause of death was determined to be Acute Exhaustive Mania Due to Schizophrenia. TASER International, Inc. seeks to make a motion for Summary Judgment because the facts show that TASER had no involvement in the death of Mr. Glowczenski and the autopsy confirms same.

We thank the Court in advance for its consideration.

Very truly yours,

JOSEPH A. MARIA, P.C.


By: Joseph A. Maria, Esq.

JAM/dj

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